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Attorneys for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AXIS SPINE NV, LLC, a Nevada Limited Liability Company

Plaintiff,

V.

XTANT MEDICAL HOLDINGS, INC., a
Delaware Corporation

Defendant.

Case No. 2:17-CV-02147-APG-VCF

**DEFENDANT'S MOTION TO
APPEAR TELEPHONICALLY FOR
THE MARCH 16, 2018, HEARING ON
DEFENDANT'S MOTION TO
COMPEL PLAINTIFF TO FULLY
RESPOND TO DISCOVERY**

Judge: Hon. Andrew P. Gordon

1 Defendant Xtant Medical Holdings, Inc. (“Defendant”), by and through its undersigned
2 counsel, hereby requests permission for its lead out-of-state counsel, Dylan J. Liddiard, Esq. of
3 Wilson Sonsini Goodrich and Rosati, PC, to appear telephonically for the hearing on
4 Defendant’s Motion to Compel Plaintiff to Fully Respond to Discovery (the “Motion to
5 Compel”) [ECF No. 25] currently scheduled for March 16, 2018, at 2:00 p.m. [ECF No. 29].
6 Mr. Liddiard is located in Palo Alto, California and respectfully requests leave to appear
7 telephonically for the hearing as he has a preexisting obligation that requires him to be in Los
8 Angeles, California at the time of the hearing. Although Defendant’s local counsel, Armstrong
9 Teasdale LLP, will be available in-person for the hearing, Mr. Liddiard has a greater knowledge
10 of the basis of the Motion to Compel because he was directly involved in the drafting of the
11 discovery requests at issue and the meet and confers with Plaintiff Axis Spine NV, LLC. For
12 those reasons, Defendant respectfully requests that Mr. Liddiard be allowed to appear
13 telephonically.

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1 This request is made in good faith and Defendant does not believe that any parties to this
2 case will be prejudiced in any way by Mr. Liddiard's telephonic appearance at the March 16,
3 2018 hearing.

4 Dated: March 12, 2018

Armstrong Teasdale LLP

5 By: /s/ James Patrick Shea

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16 The call-in telephone number is
17 (888)273-3658, access code: 3912597. The
18 call must be made five minutes prior to the
19 hearing time. The court will join the call
20 and convene the proceedings. The call
must be made on a land line. The use of a
cell phone or speaker phone during the
proceedings is prohibited.

Attorneys for Defendant

22 **IT IS SO ORDERED.**

23 

24 **UNITED STATES MAGISTRATE JUDGE**

25 **DATED:** 3-13-2018

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Fed.R.Civ.P.5(b) and Section IV of District of Nevada Electronic Filing
3 Procedures, I certify that I am an employee of ARMSTRONG TEASDALE LLP, and that the
4 foregoing was served:

5 ☒ via electronic service to the address(es) shown below:

6
7 P. Sterling Kerr, Esq.
8 Taylor Simpson, Esq,
9 Law Offices of P. Sterling Kerr
10 2450 St. Rose Parkway, Suite 120
11 Henderson, Nevada 89074
12 Telephone: 702-451-2055
13 Facsimile: 702-451-2077
14 Email: sterling@sterlingkerrlaw.com
15 Email: taylor@sterlingkerrlaw.com

16 Attorneys for Plaintiff

17 ☐ via the U.S. Postal Service at Las Vegas, Nevada, in a sealed envelope, with first-
18 class postage prepaid, on the date and to the address(es) shown below:

19 Date: March 12, 2018

/s/Jessica Myrold

An employee of Armstrong Teasdale LLP